

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DEAVAN BERRY and BENJAMIN)	
WECHSLER on behalf of themselves)	
and similarly situated employees,)	
)	
Plaintiffs,)	Civil Action No. 2:20-cv-00110
)	
vs.)	The Honorable Lisa Pupo Lenihan
)	
AMERICAN INCOME LIFE INSURANCE)	
COMPANY,)	
)	
Defendant.)	
)	

**JOINT STIPULATION TO DISMISS ACTION WITH PREJUDICE PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Deavan Berry and Benjamin Wechsler (“Plaintiffs”), opt-ins Deanna Kruck, Haley Wechsler, Chris Ference, Andrew Vento, and Erin Rozeck (“Opt-Ins”), and Defendant American Income Life Insurance Company (“Defendant”), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, on January 23, 2020, Plaintiffs Deavan Berry and Benjamin Wechsler filed this action against Defendant (ECF No. 1);

WHEREAS, the Opt-Ins filed consents to join the action (ECF Nos. 5, 9, 20, 22);

WHEREAS, Defendant denies Plaintiffs’ allegations;

WHEREAS, the Court has never certified any class in the above-entitled action under Federal Rule of Civil Procedure 23;

WHEREAS, on or about September 20, 2020, the Court granted Defendant’s Motions to Compel Individual Arbitration and Stay the Case pending the outcome of Arbitration (ECF Nos. 31 and 38);

WHEREAS, on or about November 2, 2020, Plaintiffs and Opt-Ins each filed individual arbitration demands against Defendant; and

WHEREAS, subsequent to the filing of the arbitration demands, Plaintiffs, Opt-Ins, and Defendant have chosen to resolve Plaintiffs' and Opt-Ins' individual claims;

NOW, THEREFORE, the Plaintiffs, Opt-Ins, and Defendant, by and through their attorneys of record, hereby stipulate to dismissal of the above-entitled action and all claims asserted by Plaintiffs therein pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). By this Stipulation, Plaintiffs, Opt-Ins, and Defendant agree that the dismissal is with prejudice as to Plaintiffs' and Opt-Ins' individual claims and without prejudice as to the claims of any putative class or collective members who have not opted in. The Parties are to bear their own fees and costs.

IT IS STIPULATED.

AMERICAN INCOME LIFE INSURANCE
COMPANY

By its attorneys,



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ON BEHALF OF ALL PLAINTIFFS AND
OPT-INS

By their attorneys,

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